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Attorney for Plaintiff
Sheng Liu

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COMPLAINT

Sheng Liu,

Plaintiff,

v.

Alberto Gonzales, United States Attorney
General, U.S. Department of Justice;
Michael Chertoff, Secretary of the
Department of Homeland Security;
Emilio T. Gonzalez, Director of United States
Citizenship and Immigration Services;
Robert S. Mueller III, Director of the Federal
Bureau of Investigation,

Defendants.

Case No.

C07 04053 CW

**PLAINTIFF'S ORIGINAL COMPLAINT
FOR WRIT IN THE NATURE OF
MANDAMUS & DECLARATORY
JUDGMENT UNDER 28 U.S.C. § 1361**

Immigration Case

Plaintiff, Sheng Liu, by and through his attorney of record, opens this lawsuit against the Defendants and will present this Court with evidence of the following:

1. Plaintiff, Sheng Liu, brings this case to compel action on the delayed processing of his I-485, *Application to Register Permanent Residence or Adjust Status*. This application remains within the jurisdiction of the Defendants who have improperly delayed and withheld action on

FILE COPY

ORIGINAL
FILED
07 AUG -7 PM 3:17
RICHARD W. WICKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CALIF. 95131

1 this application to Plaintiff's detriment.

2 **PARTIES**

3 2. Plaintiff, Sheng Liu, is the primary applicant of an I-485, *Application to Register*
4 *Permanent Residence or Adjust Status* ("I-485"), filed with United States Citizenship and
5 Immigration Services ("USCIS").

6 3. Defendant, Alberto Gonzales, is the Attorney General of the United States, and this
7 action is brought against him in his official capacity. He is authorized to adjust to permanent
8 resident status certain aliens who have been admitted to the United States, and is further
9 authorized to delegate such powers to other government officials. Defendant Gonzales is also the
10 head of the Department of Justice, which is the department responsible for the FBI and the
11 National Name Check Program.

12 4. Defendant, Michael Chertoff, is the Secretary of the Department of Homeland Security
13 ("DHS"), and this action is brought against him in his official capacity. Defendant Chertoff is
14 generally charged with enforcement of the Immigration and Nationality Act and its related
15 regulations, which provide for the processing of adjustment of status applications.

16 5. Defendant, Emilio T. Gonzalez, is the Director of USCIS, and this action is brought
17 against him in his official capacity. USCIS is an agency within the DHS to which DHS'
18 authority has, in part, been delegated. Defendant Gonzalez is generally charged with the overall
19 administration of immigration benefits and services, including adjustment of status.

20 6. Defendant, Robert S. Mueller, III, is Director of the Federal Bureau of Investigation
21 ("FBI"), and this action is brought against him in his official capacity. Defendant Mueller has
22 yet to complete the security clearance ("Name Check") on Plaintiff's I-485 case.

23 **JURISDICTION**

24 7. Jurisdiction in this case is proper under 28 U.S.C. §§ 1331 and 1361, 5 U.S.C. §§ 551, *et*
25 *seq.* and 701, *et seq.*, and 28 U.S.C. § 2201 *et seq.* Relief is requested pursuant to said statutes.
26 Additionally, attorney fees and costs will be sought pursuant to the Equal Access to Justice Act,
27 28 U.S.C. § 2412(d) and 5 U.S.C. § 504 *et seq.*

1 **VENUE**

2 8. Venue is proper in this honorable Court, pursuant to 28 U.S.C. §1391(e), in that Plaintiff
3 may request a hearing on the matter in the district where Plaintiff resides.

4 **INTRADISTRICT ASSIGNMENT**

5 9. This lawsuit should be assigned to the San Francisco or Oakland Division of this court
6 because a substantial part of the event or omission which gives rise to this lawsuit occurred in
7 Alameda County.

8 **EXHAUSTION OF REMEDIES**

9 10. Plaintiff has exhausted his administrative remedies. Plaintiff has supplied the USCIS and
10 the FBI with documents that clearly establish his eligibility to register as a permanent resident,
11 and as will be demonstrated by the evidence, has followed up with numerous inquiries and
12 requests to the pertinent administrative agencies attempting to expedite his delayed application.

13 **CAUSE OF ACTION**

14 11. Plaintiff properly filed an I-485, *Application to Register Permanent Residence or Adjust*
15 *Status* with the USCIS on July 27, 2005. This application was subsequently transferred to the
16 Texas Service Center (**EXHIBIT 1**).

17 12. On December 8, 2005, Plaintiff submitted his fingerprints at the USCIS Oakland
18 Application Support Center (**EXHIBIT 2**).

19 13. On April 12, 2006, Plaintiff contacted the California Service Center, requesting
20 information about his pending application. Officer Bueno responded on April 24, 2006, and
21 indicated to Plaintiff that his name check was still pending (**EXHIBIT 3**).

22 14. On April 27, 2006, Plaintiff again contacted the California Service Center and requested
23 additional information about his pending FBI name check. In a response dated May 17, 2006,
24 Officer Cruz stated that there was "some sort of discrepancy about the background security/
25 name check process. I will be checking to see if in fact this check was previously submitted to
26 the FBI. If not, I will initiate that process right away." Officer Cruz further advised that the
27 plaintiff should check back in 60 days (**EXHIBIT 4**).

28 15. After 60 days, Plaintiff contacted Officer Cruz requesting an update on his case on

1 August 1, 2006. Officer Cruz replied on August 10, 2006 and told Plaintiff that his case had been
2 transferred to the Texas Service Center but did not indicate when USCIS placed a Name Check
3 request with the FBI (**EXHIBIT 5**).

4 16. On October 4, 2006, Plaintiff again contacted the California Service Center inquiring
5 about the status of his case. Officer Bueno responded and told Plaintiff his case was still pending
6 due to an incomplete FBI name check (**EXHIBIT 6**).

7 17. Plaintiff called the USCIS National Service Number and in a response letter dated
8 December 1, 2006, was told that his application was still awaiting the FBI name check
9 (**EXHIBIT 7**).

10 18. On January 19, 2007, Plaintiff contacted Congressman Pete Stark for assistance in
11 obtaining information about his pending I-485 name check. Congressman Stark contacted the
12 FBI on Plaintiff's behalf and in a reply dated June 27, 2007, informed Plaintiff that the FBI
13 received a name check request from the USCIS on August 8, 2005. Congressman Stark also
14 included a letter from Michael Cannon, National Name Check Program Section Chief,
15 confirming this information (**EXHIBIT 8**).

16 19. On May 9, 2007, Plaintiff submitted his fingerprints again at the USCIS Oakland
17 Application Support Center (**EXHIBIT 9**).

18 20. In June 2007, Congressman Lantos contacted with the FBI, inquiring about the status of
19 Plaintiff's case. Agent Cannon responded, and indicated that Plaintiff's name check was still
20 pending (**EXHIBIT 10**).

21 21. Plaintiff went to the USCIS Office in San Francisco for an Infopass appointment on July
22 23, 2007. During this appointment, an Immigration Officer told Plaintiff that his name check was
23 initiated on June 24, 2006, contradicting previous dates given by USCIS and the FBI (**EXHIBIT**
24 **11**).

25 22. It has been over 2 years since Plaintiff filed his I-485 with USCIS on July 27, 2005.

26 23. Although the role of Defendants is pivotal to the security of the United States of America,
27 the Defendants' actions have gone well beyond the expected 11 month processing time for the
28 adjudication of an I-485 Application (See Texas Service Center processing dates for I-485 cases

1 posted July 16, 2007 (**EXHIBIT 12**).

2 24. Defendants have failed to adhere to their own processing times and procedures.

3 25. Defendants have given Plaintiff contradicting information as to what date the USCIS
4 requested the FBI conduct the Name Check investigation for his case.

5 26. Plaintiff's I-485 application was submitted on July 27, 2005, yet USCIS did not request
6 the Name Check investigation from the FBI until June 24, 2006, nearly one year after receiving
7 his application.

8 27. Defendants have sufficient information to complete adjudication of Plaintiff's I-485
9 application.

10 28. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with
11 their duties under the law. Specifically:

12 (a) Plaintiff has been unable to obtain legal permanent residence and thus cannot
13 travel or work without restriction. He must spend additional time and pay
14 additional filing fees each year in order to work and travel legally.

15 (b) Plaintiff is unable to accrue time to be eligible for naturalization as a citizen of
16 the United States, thus delaying his obtainment of the rights and privileges
17 enjoyed by citizens of the United States.

18 29. Defendants, in violation of the Administrative Procedures Act at 5 U.S.C. § 706(1), are
19 unlawfully withholding action on Plaintiff's application, and have unreasonably delayed action
20 on Plaintiff's case.

21 30. Defendants, in violation of the Administrative Procedures Act at 5 U.S.C. § 555(b), are
22 unlawfully delaying action on Plaintiff's application and have failed to complete the adjudicative
23 functions delegated to them by law within a reasonable time.

24 **PRAYER**

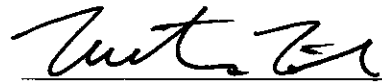
25 31. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff
26 respectfully prays that the Defendants be cited to appear herein and that, upon due consideration,
27 the Court enter an order:

28 (a) requiring USCIS to immediately submit an Expedite Request to the FBI for expedited

- 1 processing of Plaintiff's FBI Name Check;
- 2 (b) requiring USCIS to complete adjudication of Plaintiff's I-485 Application within 60
- 3 days of receiving the Court's Order;
- 4 (c) awarding reasonable attorney's fees pursuant to the Equal Access to Justice Act; and
- 5 (d) granting such other relief at law and in equity as justice may require.
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- 7
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9 Dated: August 7, 2007

Respectfully Submitted,

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11 Justin Fok, CSBN: 242272

12 Attorney for Plaintiff

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EXHIBIT LIST

- Exhibit 1: Plaintiff's transfer notice for I-485 dated June 14, 2006
- Exhibit 2: Fingerprint Appointment Notice and Biometric Processing Stamp dated December 8, 2005
- Exhibit 3: Correspondence with California Service Center dated April 12, 2006
- Exhibit 4: Correspondence with California Service Center dated April 27, 2006
- Exhibit 5: Correspondence with California Service Center dated August 1, 2006
- Exhibit 6: Correspondence with California Service Center dated October 4, 2006
- Exhibit 7: Plaintiff's correspondence with USCIS dated December 1, 2006
- Exhibit 8: Correspondence with Congressman Peter Stark and Section Chief Michael A. Cannon dated January 19, 2007.
- Exhibit 9: Fingerprint Appointment Notice and Biometric Processing Stamp dated May 9, 2007
- Exhibit 10: Correspondence with Congressman Peter Stark and Section Chief Michael A. Cannon dated June 27, 2007.
- Exhibit 11: Plaintiff's Infopass appointment dated July 23, 2007

1 Exhibit 12: USCIS Texas Service Center Processing Dates posted July 16, 2007
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Exhibit 1

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-05-211-50118		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS	
RECEIPT DATE July 27, 2005	PRIORITY DATE	APPLICANT A099 039 021 LIU, SHENG	
NOTICE DATE June 14, 2006	PAGE 1 of 1		
SHENG LIU [REDACTED] FREMONT CA 94538		Notice Type: Transfer Notice	

This is to notify you that we have transferred the above application or petition to the INS office at:

Texas Service Center, P. O. Box 951498 Dept. A, Mesquite, TX 75189 1498

Telephone: (214) 381-1423

We transferred this case because the record indicates that office has jurisdiction over the case. That office will notify you of subsequent action taken on this case. Any further inquiries should be made to that office.


Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit 2

Fingerprint Notification			NOTICE DATE 11/15/2005
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status		SOCIAL SECURITY NUMBER 260990987	USCIS A# A099039021
APPLICATION NUMBER WAC0521150118	CODE 3	SERVICE CENTER WSC	PAGE 1 of 1


APPLICANT NAME AND MAILING ADDRESS SHENG LIU [REDACTED] FREMONT, CA 94538	LIFE ACT PROCESSING STAMP ASC SITE CODE: <u>XTB</u> BIOMETRICS QA REVIEW BY: <u>157979</u> ON <u>12-8-05</u> TENPRINTS QA REVIEW BY: <u>157979</u> ON <u>12-8-05</u>	
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To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your Biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
 If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.
RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW AND FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS OAKLAND 2040 TELEGRAPH AVE. OAKLAND, CA 94612	DATE AND TIME OF APPOINTMENT 12/08/2005 9:00 AM
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WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:
 1. **THIS APPOINTMENT NOTICE AND ANY RECEIPT NOTICES ASSOCIATED WITH YOUR APPLICATION.**
 2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.

REQUEST FOR RESCHEDULING	
Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon	
U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to: USCIS OAKLAND 2040 TELEGRAPH AVE. OAKLAND, CA 94612	
If you have any questions regarding this notice, please call 1-800-375-5283.	
APPLICATION NUMBER WAC0521150118	APPLICANT COPY 

WARNING!
<i>Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i>

Exhibit 3

Gmail - I-485 Status Check

Page 1 of 1



Sheng Liu [REDACTED]@gmail.com>

I-485 Status Check

Sheng Liu [REDACTED]@gmail.com>
To: CSC-XII.485@dhs.gov
Cc: Sheng Liu <[REDACTED]@gmail.com>

Wed, Apr 12, 2006 at 10:50 PM

Dear Sir/Madam,

My case bacome current on April 1st. I am sending this message to check the status of my I-485 application.

Name: Sheng Liu

A#: A99 039 021

Birth Date: [REDACTED]

Priority Date: 07/24/2002

I-140 Approval Date: 12/16/2005

I-485 Receipt Date: 07/25/2005

Thank you very much!

Sheng



Sheng Liu [REDACTED]@gmail.com>

RE: I-485 Status Check

CSC XII 485 <CSC-XII.485@dhs.gov>
To: Sheng Liu [REDACTED]@gmail.com>

Mon, Apr 24, 2006 at 2:09 PM

The I-485 at question is still pending FBI name check clearance. Once the file has been cleared by FBI, the file will be adjudicated. The Service has NO control over how long it takes FBI to clear the case.

M. Bueno

From: Sheng Liu [mailto:[REDACTED]@gmail.com]
Sent: Wednesday, April 12, 2006 10:50 PM
To: 485, Csc-XII
Cc: Sheng Liu
Subject: I-485 Status Check

Dear Sir/Madam,

My case bacome current on April 1st. I am sending this message to check the status of my I-485 application.

Name: Sheng Liu
A#: A99 039 021
Birth Date: [REDACTED]

Priority Date: 07/24/2002
I-140 Approval Date: 12/16/2005
I-485 Receipt Date: 07/25/2005

Thank you very much!

Sheng

Exhibit 4



Sheng Liu <[REDACTED]@gmail.com>

RE: I-485 Status Check

Sheng Liu <[REDACTED]@gmail.com>
To: CSC XII 485 <CSC-XII.485@dhs.gov>

Thu, Apr 27, 2006 at 12:36 PM

Hi, Bueno,

Thank you for replying. Could you let me know when the name check of my case was requested / initiated? Is it normal that it takes so long? Anything I can do to find out more detail information about FBI name check? I am just concerned I may have to wait for a long long time.

Kind regards,

Sheng

[Quoted text hidden]



Sheng Liu [redacted]@gmail.com>

RE: I-485 Status Check

CSC XII 485 <CSC-XII.485@dhs.gov>
To: [redacted]@gmail.com

Wed, May 17, 2006 at 1:38 PM

I am ordering this case for review. There appears to be some sort of discrepancy about the background security/name check process. I will be checking to see if in fact this check was previously submitted to the FBI. If not, I will initiate that process right away. You can check back with us after 60 days. Thank you for your continued patience with this process.

Officer R. Cruz
California Service Center
Congressional & Customer Service Relations
Division XII

From: Sheng Liu [mailto:[redacted]@gmail.com]
Sent: Thursday, April 27, 2006 12:37 PM
To: CSC XII 485
Subject: Re: I-485 Status Check

Hi, Bueno,

Thank you for replying. Could you let me know when the name check of my case was requested / initiated? Is it normal that it takes so long? Anything I can do to find out more detail information about FBI name check? I am just concerned I may have to wait for a long long time.

Kind regards,

Sheng

On 4/24/06, **CSC XII 485 <CSC-XII.485@dhs.gov>** wrote:

The I-485 at question is still pending FBI name check clearance. Once the file has been cleared by FBI, the file will be adjudicated. The Service has NO control over how long it takes FBI to clear the case.

M. Bueno

From: Sheng Liu [mailto:[redacted]@gmail.com]
Sent: Wednesday, April 12, 2006 10:50 PM
To: 485, Csc-XII
Cc: Sheng Liu
Subject: I-485 Status Check

Dear Sir/Madam,

My case bacome current on April 1st. I am sending this message to check the status of my I-485 application.

Name: Sheng Liu

Exhibit 5

Gmail - RE: I-485 Status Che

Page 1 of 1



Sheng Liu [REDACTED]@gmail.com>

RE: I-485 Status Check

Sheng Liu [REDACTED]@gmail.com>
To: CSC XII 485 <CSC-XII.485@dhs.gov>

Tue, Aug 1, 2006 at 10:52 AM

Dear Cruz,

In your last email, I was asked to come back check status after 60 days and there appeared to be some discrepancy about the name check process. Now 60 days passed, could you give me a status update? Did I pass name check already?

Name: Sheng Liu
A#: A99 039 021
Birth Date [REDACTED]
Priority Date: 07/24/2002
I-140 Approval Date: 12/16/2005
I-485 Receipt Date: 07/25/2005

Thank you!

Sheng

[Quoted text hidden]



Sheng Liu <[REDACTED]@gmail.com>

RE: I-485 Status Check

CSC XII 485 <CSC-XII.485@dhs.gov>
To: [REDACTED]@gmail.com

Thu, Aug 10, 2006 at 11:11 AM

Since my last communication to you, your case had been transferred out on 06/14/2006 to the new jurisdiction at the Texas Service Center. That office issued a request for additional evidence notice on 06/30/2006 and a response was received by that office on 07/25/2006. Currently, your background security/name check is pending. Once the USCIS receives the result from the FBI the case will resume processing.

Please take note of the following for future inquiries on this case:

The California Service Center (CSC) does not accept inquiries from the general public via email. All inquiries must be submitted to the National Customer Service Center by calling **1-800-375-5283**. The National Customer Service Center will route your inquiry to the appropriate USCIS District Office or Service Center, and will track your inquiry to a final resolution. If you've received a transfer notice regarding your case please inform the National Customer Service Center at the time you submit your inquiry. The National Customer Service Center is available Monday through Friday, 8:00 AM to 5:00 PM, PST.

Officer R. Cruz

California Service Center

Congressional & Customer Service Relations

Division XII

From: Sheng Liu [mailto:[REDACTED]@gmail.com]
Sent: Tuesday, August 01, 2006 10:53 AM
To: CSC XII 485
Subject: Re: I-485 Status Check

Dear Cruz,

Exhibit 6



Sheng Liu [REDACTED]@gmail.com>

RE: I-485 Status Check

Sheng Liu [REDACTED]@gmail.com>
To: CSC XII 485 <CSC-XII.485@dhs.gov>

Wed, Oct 4, 2006 at 5:11 PM

Dear Sir / Madam,

In last communication with CSC in July, I was informed my case is pending on name check complete. Could you kindly let me know the latest status? Have I passed name check?

Name: Sheng Liu

A#: A99 039 021

Birth Date: [REDACTED]

Priority Date: 07/24/2002

I-140 Approval Date: 12/16/2005

I-485 Receipt Date: 07/25/2005

Appreciate very much!

Sheng

[Quoted text hidden]



Sheng Liu <[REDACTED]@gmail.com>

RE: I-485 Status Check

CSC XII 485 <CSC-XII.485@dhs.gov>
To: Sheng Liu <[REDACTED]@gmail.com>

Wed, Oct 11, 2006 at 2:52 PM

The I-485 at question is still pending FBI name check clearance. Once the file has been cleared by FBI, the file will be adjudicated. The Service has NO control on how long it takes FBI to clear the case.

NEW EMAIL POLICY

The California Service Center (CSC) does not accept inquiries from the general public via email. All inquiries must be submitted to the National Customer Service Center by calling 1-800-375-5283.

The National Customer Service Center will route your inquiry to the appropriate USCIS District Office or Service Center, and will track your inquiry to a final resolution. If you've received a transfer notice regarding your case please inform the National Customer Service Center at the time you submit your inquiry. The National Customer Service is available Monday through Friday, 8:00 AM to 5:00 PM, PST.

Officer Bueno

Division 12

Exhibit 7

U.S. Department of Homeland Security
California Service Center
P.O. Box 30111
Laguna Niguel, CA 92607-0111



**U.S. Citizenship
and Immigration
Services**

Friday, December 1, 2006

SHENG LIU
[REDACTED]
[REDACTED]
[REDACTED]

Dear SHENG LIU:

On 10/20/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	07/27/2005
Receipt #:	WAC-05-211-50118
Beneficiary (if you filed for someone else):	LIU, SHENG
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

Based on your request we researched the status of this case. We are actively processing this case. However, we have to perform additional review on this case and this has caused a longer processing time. If you do not receive a decision or other notice of action from us within 6 months of this letter, please call customer service at the number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

Exhibit 8

Sheng Liu
[REDACTED]
[REDACTED]

Tel: (510) [REDACTED]

Email: [REDACTED]@gmail.com

Fax: (510) [REDACTED]

Jan 19, 2007

39300 Civic Center Dr.
Suite 220
Fremont, CA 94538
510-494-1388
510-494-5852 (fax)

Dear Congressman Pete Stark,

I am a resident of Fremont, California. I am sending this letter seeking your help to find out FBI name check status of my I-485 (green card) application.

My I485 application was filed on July 2005. I sent your office a letter on May 11, 2006 and was informed FBI was still working on name check of my case. As of today, I still have not received approval notice, and it has been 18 months since the case was filed.

Information of my case:

Name: Sheng Liu

A#: A99 039 021

Birth Date: [REDACTED]

SSN: [REDACTED]

Priority Date: 07/24/2002

I-140 Approval Date: 12/16/2005

I-485 Receipt Date: 07/25/2005

I-485 Receipt Number: WAC0521150118

Kind regards!

Sheng Liu

FORTNEY PETE STARK
13TH DISTRICT, CALIFORNIA

COMMITTEE ON
WAYS AND MEANS

JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK


CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

February 8, 2007

Sheng Liu


Dear Mr. Liu:

Ref: A99 039 021

Thank you for contacting me for assistance.

According to the Federal Bureau of Investigation, they can only inform me whether a name check is pending, completed or not found. Unfortunately, the checks cannot be expedited, multiple agencies are involved, and the FBI cannot estimate how long a specific clearance may take. Each case is individually reviewed and, depending on the complexity, can take considerable time to complete.

However, I have made another inquiry on your behalf and the FBI is aware of my interest in your case. If I have not received a response after thirty (30) days, I will make a follow-up inquiry.

Sincerely,



Pete Stark
Member of Congress

FHS/jl

Conversation: Sheng Liu

A review of the Federal Bureau of Investigation's Name Check Program database concerning Sheng Liu revealed that a request was received from the United States Citizenship and Immigration Services (USCIS) on 08/08/2005, and is currently in a pending status.

While an exact date for completion of this review cannot be given, please be assured that the results will be made available to the immigration authorities as expeditiously as possible. The FBI is sensitive to the impact of the delays in processing name check requests. At the same time, the consequences of the FBI's mission on homeland security requires that our name check process be primarily focused on an accurate and thorough result. This means that there are instances when the FBI's review of a name check request must require as much time as needed to obtain an unequivocally correct result.

I trust this information will assist you in responding to your constituent. In the event that you require further assistance, please do not hesitate to call the FBI's Office of Congressional Affairs.

Sincerely,

Michael A. Cannon/dc
Section Chief
National Name Check Program Section
Records Management Division
Federal Bureau of Investigation

IT IS REQUESTED THAT YOU DO NOT SEND MESSAGES BACK TO THIS EMAIL ACCOUNT NOR PROVIDE THIS EMAIL OUTSIDE OF YOUR OFFICE.

Exhibit 9

Exhibit 9

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action



ASC Appointment Notice		APPLICATION NUMBER WAC0521150118	NOTICE DATE 4/25/2007
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER TCR	USCIS A# A099039021	CODE 1
		SERVICE CENTER TSC	PAGE 1 of 1

SHENG LIU
[REDACTED]

Handwritten: XBS

Handwritten: 345363 on 5/9/07

Stamp: USCIS OAKLAND, CA 94612

Stamp: 05/09/2007 9:00 AM

To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS OAKLAND 2040 TELEGRAPH AVE. OAKLAND, CA 94612	PLEASE READ THIS ENTIRE NOTICE CAREFULLY. DATE AND TIME OF APPOINTMENT 05/09/2007 9:00 AM
---	--

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

- THIS APPOINTMENT NOTICE** and
- PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

REQUEST FOR RESCHEDULING

☐ Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS OAKLAND, 2040 TELEGRAPH AVE., OAKLAND, CA 94612

APPLICATION NUMBER 1 I485 WAC0521150118
--

If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit 10

Exhibit 10

FORTNEY PETE STARK
13TH DISTRICT, CALIFORNIA

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

COMMITTEE ON
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION
WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

June 27, 2006

Sheng Liu
[REDACTED]

Dear Mr. Liu:

Ref: A99 039 021

In reply to my inquiry on your behalf, the Federal Bureau of Investigation has informed me that they received a name check request from the U.S. Citizenship and Immigration Services on August 8, 2005. According to the FBI, your case is still pending resolution of the security review. While the FBI cannot give an exact date for the completion of the review, they have assured me that the results will be made available to immigration authorities as expeditiously as possible.

Cases with pending security checks are queried every week by the local immigration office to ensure that those that have cleared are acted on in a timely manner. Processing cannot resume until all security clearances have been resolved.

Sincerely,



Pete Stark
Member of Congress

FHS/ibi

FORTNEY PETE STARK
13TH DISTRICT, CALIFORNIA

COMMITTEE ON
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION
WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
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(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

July 27, 2006

Sheng Liu


Dear Mr. Liu:

Ref: A99 039 021

Enclosed is the reply I received to my inquiry on your behalf. Although discouraging, I hope this information is helpful.

Sincerely,



Pete Stark
Member of Congress

FHS/ibi

Subject: Sheng Liu

Date: Wednesday, June 21, 2006 4:28 AM

A review of the Federal Bureau of Investigation's Name Check Program database concerning Sheng Liu revealed that a request was received from the United States Citizenship and Immigration Services (USCIS) on 08/08/2005, and is currently in a pending status.

While an exact date for completion of this review cannot be given, please be assured that the results will be made available to the immigration authorities as expeditiously as possible. The FBI is sensitive to the impact of the delays in processing name check requests. At the same time, the consequences of the FBI's mission on homeland security requires that our name check process be primarily focused on an accurate and thorough result. This means that there are instances when the FBI's review of a name check request must require as much time as needed to obtain an unequivocally correct result.

I trust this information will assist you in responding to your constituent. In the event that you require further assistance, please do not hesitate to call the FBI's Office of Congressional Affairs

Sincerely,

Michael A. Cannon/dc
Section Chief
National Name Check Program Section
Records Management Division
Federal Bureau of Investigation

IT IS REQUESTED THAT YOU DO NOT SEND MESSAGES BACK TO THIS EMAIL ACCOUNT NOR PROVIDE THIS EMAIL OUTSIDE OF YOUR OFFICE.

Exhibit 11

Exhibit 11

07/23/07 10:30am Window 3.



Notes: According to the officer, my case is still pending on background check. The check was initiated on 06/24/2006, different than previous feedback from FBI

Name: **Sheng Liu**

Appointment Type: **Speak to immigration officer**

Confirmation No.: **SFR-07-24150**

Authentication Code: **172be**

Appointment Date: **July 23, 2007**

Appointment Time: **10:30 AM**

Location: **444 WASHINGTON STREET, San Francisco, CA 94111; LOBBY**

**This is your Confirmation
Number:**



* S F R - 0 7 - 2 4 1 5 0 *

**If you wish to cancel this appointment, you will need the
following Personal Identification Number:
11554**

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.
- NOTE: Cell phones that have camera features are not permitted in the building. Food and drinks are not permitted in the waiting room. In order to facilitate easy and swift entrance, you are advised to keep handbags and metal objects to a minimum by leave such items at home or with persons who will remain outside the building.

Exhibit 12

Exhibit 12

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U.S. Citizenship and Immigration Services Texas Service Center Service Center Processing Dates Posted July 16, 2007

Notice: U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report that as the processing time. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show a date consistent with our service level goal because that reflects our commitment.

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information.
If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

[Case Services - How do I... know what kind of services are available to me after I file my application or petition?](#)

One additional point about these projections. They are the time to complete processing and mail the actual notice

and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

Service Center Processing Dates for **Texas Service Center** Posted July 16, 2007

Form	Title	Classification or Basis for Filing	Now Processing Cases with Receipt Notice Date of
I-90	Application to Replace Permanent Resident Card	Initial issuance or replacement	January 13, 2007
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	April 14, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-2A - Temporary workers	June 30, 2007
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	June 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	E - Treaty traders and investors	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	L - Intracompany transfers	June 15, 2007
I-129	Petition for A Nonimmigrant Worker	Blanket L	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	May 15, 2007
I-131	Application for Travel Document	All other applicants for advance parole	April 14, 2007
I-140	Immigrant Petition for Alien Worker	Extraordinary ability	January 13, 2007

I-140	Immigrant Petition for Alien Worker	Outstanding professor or researcher	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Multinational executive or manager	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Schedule A Nurses	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability requesting a National Interest Waiver	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Skilled worker or professional	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Unskilled worker	January 13, 2007
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	All other special immigrants	October 04, 2006
I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	August 07, 2006
I-485	Application to Register Permanent Residence or to Adjust Status	Based on grant of asylum more than 1 year ago	August 01, 2004
I-526	Immigrant Petition By Alien Entrepreneur	For use by an entrepreneur who wishes to immigrate to the United States	January 13, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change of status to H or L dependents	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change status to the F or M academic or vocational student categories	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change Status to the J exchange visitor category	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other change of status applications	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of stay for H and L dependents	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for F or M academic or vocational students	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for J exchange visitors	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other extension applications	April 14, 2007
I-612	Application for Waiver of the Foreign Residence Requirement	Application for a waiver of the 2-year foreign residence requirement based on exceptional hardship or persecution	August 19, 2006
I-751	Petition to Remove the Conditions on Residence	Removal of lawful permanent resident conditions (spouses of U.S. citizens and lawful permanent residents)	January 13, 2007
I-765	Application for Employment Authorization	Based on a request by a qualified F-1 academic student. [(c)(3)]	April 28, 2007

I-765	Application for Employment Authorization	Based on a pending asylum application [(c)(8)]	June 16, 2007
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application [(c)(9)]	April 28, 2007
I-765	Application for Employment Authorization	Based on TPS for Honduras/Nicaragua [(c)(19), (a)(12)]	April 28, 2007
I-765	Application for Employment Authorization	Based on TPS for El Salvador [(c)(19)(a)(12)]	April 28, 2007
I-765	Application for Employment Authorization	All other applications for employment authorization	April 28, 2007
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program	January 13, 2007
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	January 13, 2007
I-829	Petition by Entrepreneur to Remove Conditions	Removal of lawful permanent resident conditions (immigrant investors)	January 13, 2007
I-829	Petition by Entrepreneur to Remove Conditions	Removal of lawful permanent resident conditions (immigrant investors) based on PL107-273	January 13, 2007

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